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Inc., Merrick D. Okamoto, Frederick G.  
Thiel, and Simeon Salzman*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TAD SCHLATRE, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

MARATHON DIGITAL HOLDINGS, INC.  
f/k/a MARATHON PATENT GROUP, INC.,  
MERRICK D. OKAMOTO, FREDERICK G.  
THIEL, and SIMEON SALZMAN,

Defendants.

CASE NO.: 2:21-cv-2209-RFB-NJK

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO EXTEND TIME TO  
RESPOND TO THE COMPLAINT AND  
SET RELATED BRIEFING SCHEDULE**

**(First Request)**

WHEREAS, Plaintiff Tad Schlatre commenced the above-captioned action (the "Action")  
on December 17, 2021, against Defendants Marathon Digital Holdings, Inc. f/k/a Marathon Patent  
Group, Inc. ("Marathon"), Merrick D. Okamoto, Frederick G. Thiel, and Simeon Salzman  
(collectively, "Defendants");

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1 WHEREAS, Marathon was served with the Class Action Complaint on March 1, 2022;  
2 WHEREAS, Marathon must file and serve an answer or a motion under Rule 12 by  
3 March 22, 2022;

4 WHEREAS, this putative class action asserts federal securities claims arising under the  
5 Securities Exchange Act of 1934, which is governed by the Private Securities Litigation Reform  
6 Act of 1995 (the "PSLRA"), 15 U.S.C. § 78u-4, *et seq.*;

7 WHEREAS, the PSLRA requires that no later than 20 days after the complaint is filed, the  
8 plaintiff must publish a notice advising members of the purported plaintiff class of the pendency  
9 of the action, the claims asserted therein, the purported class period, and that not later than  
10 60 days after the date on which the notice is published, any member of the purported class may  
11 move the Court to serve as lead plaintiff of the purported class (15 U.S.C. § 78u-4(a)(3)(A));

12 WHEREAS, the PSLRA provides that following the expiration of the 60-day notice  
13 period, the Court will address consolidation of all related actions, the appointment of a lead  
14 plaintiff, and the appointment of lead counsel for the purported class (15 U.S.C. § 78u-4(a)(3));

15 WHEREAS, on February 15, 2022, five movants filed submissions for appointment as  
16 lead plaintiff with the Court;

17 WHEREAS, the parties have conferred and agree that Defendants' obligation to respond to  
18 the Complaint filed by Plaintiff Tad Schlatre should be deferred for all Defendants in light of the  
19 foregoing;

20 WHEREAS, the PSLRA provides that all discovery and other proceedings shall be stayed  
21 while any motion to dismiss is pending (15 U.S.C. § 78u-4(b)(3)(B));

22 IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, by and  
23 among the undersigned counsel, as follows:

24 1. The undersigned counsel for Defendants are authorized to and hereby waive  
25 service of the summons and the Complaint in the Action on behalf of all Defendants; provided,  
26 however, that waiver of service and entry into this stipulation shall not waive or prejudice any,  
27 and Defendants expressly preserve all, rights, claims, and defenses including, but not limited to,  
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all defenses relating to jurisdiction and venue, except a defense as to the sufficiency of service of the summons and Complaint and the form of the summons.

2. Defendants' time to answer, move, or otherwise respond to the *Schlatre* complaint is stayed pending the Court's appointment of a lead plaintiff and lead counsel for the putative class in the Action.

3. Within ten (10) business days of the Court's appointment of a lead plaintiff and lead counsel for the putative class in the Action, counsel for Defendants and appointed lead counsel shall confer regarding a proposed schedule for (i) the lead plaintiff's time to file a consolidated and/or amended complaint, or otherwise designate an operative complaint, and (ii) Defendants' time to answer or otherwise respond to the operative complaint in the Action.

4. Within ten (10) business days thereafter, the parties shall jointly submit their proposed schedule for the Action (through resolution of Defendants' motion to dismiss) to the Court for approval. If the parties cannot agree, the parties shall each submit proposed schedules to the Court for approval.

5. This Stipulation is made in good faith, with good cause, and not for purposes of unduly delaying discovery or trial. This is the parties' first request.

Dated this 16th day of March, 2022.

Dated this 16th day of March, 2022.

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**ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, based on the parties' stipulation, the undersigned counsel for Defendants are authorized to and hereby waive service of the summons and the Complaint in the Action on behalf of all Defendants; provided, however, that waiver of service and entry into this stipulation shall not waive or prejudice any, and Defendants expressly preserve all, rights, claims, and defenses, including, but not limited to, all defenses relating to jurisdiction and venue, except a defense as to the sufficiency of service of the summons and Complaint and the form of the summons.

Defendants' time to answer, move, or otherwise respond to the *Schlatre* complaint is stayed pending the Court's appointment of a lead plaintiff and lead counsel for the putative class in the Action.

Within ten (10) business days of the Court's appointment of a lead plaintiff and lead counsel for the putative class in the Action, counsel for Defendants and appointed lead counsel shall confer regarding a proposed schedule for (i) the lead plaintiff's time to file a consolidated and/or amended complaint, or otherwise designate an operative complaint and (ii) Defendants' time to answer or otherwise respond to the operative complaint in the Action.

Within ten (10) business days thereafter, the parties shall jointly submit their proposed schedule for the Action (through resolution of Defendants' motion to dismiss) to the Court for approval. If the parties cannot agree, the parties shall each submit proposed schedules to the Court for approval.

IT IS SO ORDERED.

  
United States Magistrate Judge

DATED: March 17, 2022